**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**

**CRIMINAL APPELLATE JURISDICTION**

**CRIMINAL APPLICATION NO. 5570 OF 2005**
**IN**
**CRIMINAL APPEAL NO. -- OF 2005**

The State of Maharashtra ...Applicant
(Orig.Complainant)

V/s.

Balkrishna Shankar Pisal & Ors. ...Respondents

Mr.Y.S. Shinde, APP for the State.
Mr.Madhav Jamdar for the Respondents.

**CORAM : V.M. KANADE, J.**

**DATED : OCTOBER 4, 2007**

**P.C. :-**

. The appellant State of Maharashtra has filed this application seeking leave to file appeal challenging the judgment and order passed by the Judicial Magistrate, First Class, Khadki Court, Pune, dated 16th April, 2005. By the said judgment and order, the trial Court was pleased to acquit the original accused nos.1 to 5 for the offence punishable under Section 498A, 504 read with Section 34 of IPC.

2. The Counsel for the applicant has invited my attention to the impugned order and has pointed out that there is sufficient evidence to indicate that husband of the complainant had committed an offence punishable

under Section 498A. He has taken me through the evidence.

3. The learned Counsel for the respondents, on the other hand, submitted that there is no evidence against the respondents no.2 to 5 as regards allegation under Section 498A is concerned.

4. I have perused the impugned order. Initially, an allegation had been made by the complainant against respondent no.1 for harassment and for demand of dowry. The evidence indicates that the other accused are not involved in harassing and assaulting the complainant. Under these circumstances, no case is made out for grant of leave in respect of respondent nos.2 to 5. Hence, leave is refused in respect of these respondents.

5. However, leave is granted only against respondent no.1. Appeal is, therefore, admitted only against respondent no.1 and the order of the trial court is confirmed in respect of other accused so far as their acquittal under Section 498A, 504 read with Section 34

of the IPC.

**(V.M. KANADE, J.)**